

REMARKS

The Examiner states in paragraph 4 of the Action that the art described in the specification has not been considered to the extent that it is not listed on the Form PTO-892. Applicant respectfully submits that the art described in the specification is included for general background. The pertinence of each of these references is discussed, even though they have not been formally cited on an Information Disclosure Statement.

The Examiner has objected to the Abstract in paragraph 5 of the Action. The Abstract has been amended as required.

Claims 1-41 and 43-45 are currently in the application. Claim 22-25 and 34-39 have been withdrawn from consideration.

Claim 45 stands objected to because of an alleged antecedent basis problem. Appropriate amendment has been made.

Claims 1-4, 6-14, 18-20, 27/1, 28/1, 29/1, 31/1, 32/1, 44/1 and 45/1 stand rejected under 35 USC §103 as allegedly anticipated by U.S. Patent No. 5,095,647, to Zobebe et al (Zobebe). Claims 1 and 5 stand rejected under 35 USC §103 as obvious over U.S. Patent No. 4,286,754 (Jones) in view of Zobebe. Claims 15-17 stand rejected under 35 USC §103 as obvious over Zobebe in view of U.S. Patent No. 5,501,033 (Wefler). Claim 21 stands rejected under 35 USC §103 as obvious over Zobebe in view of U.S. Patent No. 6,783,081, to Pedrotti et al (Pedrotti). Claim 26/1 stands rejected under 35 USC §103 as obvious over Zobebe in view of U.S. Patent No. 5,647,164 (Yates). Claim 30/1 stands rejected under 35 USC §103 as obvious over Zobebe in view of U.S. Patent No. 4,621,768, to Lhoste et al (Lhoste). Claims 33/1, 40/1, 41/1 and 43/1 stand rejected under 35 USC §103 as obvious over Zobebe.

Reconsideration of the rejection of claims 1-21, 26-33, 40, 41 and 43-45 is requested.

Claim 1 has been amended to characterize the container as attachable to a user so as to follow movement of the user without the portable container having to be held by a user. Claim 1 has been amended to clarify that the chemical substance can be exposed to atmospheric air. Claim 1 is further amended to characterize the active ingredient as volatilizable at a normal atmospheric temperature and as an incident of being exposed to atmospheric air.

Neither of Zobelev or Jones discloses a portable container that is attachable to a user so as to follow a user's movement. Zobelev and Jones' structures would have to be completely redesigned to be attachable to a user as claimed, with the only motivation to do so coming from Applicant's disclosure.

Thus, claim 1 is not taught in, or obvious from, Zobelev or Jones, taken alone or in any combination.

The remaining claims depend from claim 1 and recite further significant limitations to further distinguish over the cited art.

In rejecting certain of the dependent claims, the Examiner has relied on Wefler, Pedrotti, Yates, and Lhoste, in combination with Zobelev. However, these references do not, in any combination with Zobelev, make obvious the structure in base claim 1.

For example, in claim 16, the chemical substance is characterized as having a proximal end, with the substance holder having a follower at the proximal end of the chemical substance and moving according to a consumption of the chemical substance. This structure as now claimed is not taught in or made obvious from Wefler, either alone or in combination with Zobelev.